

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>ANWAR RANDLE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 09-cv-535-DRH</b>
	)	
<b>RON VITALE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

In an order entered February 9, 2010 (Doc. 6), the Court found that three of the five claims presented in the complaint were unrelated to each other or to the other two claims. In that order, the Court advised Plaintiff Anwar Randle of the Court's intention to sever those three claims into three new lawsuits. The Court also gave Randle thirty days to voluntarily dismiss those claims, so as to avoid the imposition of three additional filing fees. To date, the Court has received no communication from Randle of any kind, and that thirty-day period elapsed over a week ago. Thus, the Court will proceed to sever those claims into new actions. To clarify the five claims as they currently exist:

- COUNT 1:** Against Defendant Santos for deliberate indifference to his medical needs with respect to neck and back injuries;
- COUNT 2:** Against Defendant Santos for deliberate indifference to his medical needs with respect to his skin condition;
- COUNT 3:** Against Defendants Morrison, Vitale, Holtmann, Bateman, Payne, Rodgers and Davidson for conducting an improper disciplinary proceeding against him out of retaliation for a lawsuit Randle filed in July 2008;
- COUNT 4:** Against Defendant Illinois Department of Corrections for a discriminatory policy in the awarding of meritorious good conduct

credit;

**COUNT 5:** Against Defendant Illinois Prisoner Review Board for imposing a term of mandatory supervised release.

### **SEVERANCE OF CLAIMS**

**IT IS HEREBY ORDERED** that **COUNT 3, COUNT 4** and **COUNT 5** are **EACH SEVERED** into a new case. Those new cases shall be:

- (1) Against **Defendants Morrison, Vitale, Holtmann, Bateman, Payne, Goodman, Rodgers and Davidson** for conducting an improper disciplinary proceeding against him out of retaliation for a lawsuit Randle filed in July 2008;
- (2) Against **Defendant Illinois Department of Corrections** for a discriminatory policy in the awarding of meritorious good conduct credit;
- (3) Against **Defendant Illinois Prisoner Review Board** for imposing a term of mandatory supervised release.

**IT IS FURTHER ORDERED** that each of those new cases shall be assigned to the undersigned judicial officer for further proceedings.

**IT IS FURTHER ORDERED** that in each of those new cases, the Clerk shall file the following documents:

- (1) This Memorandum and Order
- (2) The Original Complaint (Doc. 1, this case)
- (3) Randle's motion to proceed *in forma pauperis* (Doc. 2, this case)
- (4) Randle's motion for appointment of counsel (Doc. 3, this case)

**IT IS FURTHER ORDERED** that the **only claims remaining in this action are COUNT 1 and COUNT 2 against Defendant Santos.**

**IT IS FURTHER ORDERED** that Defendants **MORRISON, VITALE, HOLTMANN** (docketed as **HOFFMAN**), **BATEMAN, PAYNE, RODGERS, DAVIDSON, GOODMAN, ILLINOIS DEPARTMENT OF CORRECTIONS, and ILLINOIS PRISONER REVIEW BOARD** are **DISMISSED** from *this* action with prejudice.

**IT IS FURTHER ORDERED** that this case shall now be captioned as: **ANWAR RANDLE, Plaintiff, vs. DR. SANTOS, Defendant.**

**IT IS SO ORDERED.**

**DATED: March 24, 2010.**

/s/ David R Herndon  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**